

RESOLUTION NO. 15-240

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS STORM WATER SEWER NO. 693 – ROCKWOOD SOUTH THIRD ADDITION/NORTH OF KELLOGG, WEST OF ROCK) (468-85031).

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the “Governing Body”) has heretofore by **Resolution No. 15-129** of the City (the “Prior Resolution) authorizing certain internal improvements; and

WHEREAS, the project number as stated in the caption of the Prior Resolution was incorrect;

WHEREAS, it is desirable to correct the project number by the adoption of a new resolution of the City and repeal the Prior Resolution; and

WHEREAS, the Petition was filed with the City Clerk proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the “Act”); and

WHEREAS, the Governing Body hereby finds and determines that said Petition was signed by a **majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Repealer. The Prior Resolution is hereby repealed.

Section 2. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of Storm Water Sewer No. 693, including appurtenances to serve the Improvement District described below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Twenty Thousand Dollars (\$20,000)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

ROCKWOOD SOUTH THIRD ADDITION
Parcel 2A and 2B; See *Exhibit A* attached hereto

(d) The method of assessment is **equally per square foot**.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 3. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 2** of this Resolution.

Section 4. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 5. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the May 19, 2015 date of adoption of the Prior Resolution, all pursuant to Treasury Regulation § 1.150-2.

Section 6. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on August 11, 2015.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, City Attorney and Director of Law

EXHIBIT A

**Rockwood Plaza Boundary Shift
New Parcel 2A**

A tract of land lying within a portion of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 2; thence along the north line of said Lot 2 on an assumed bearing of S89°12'12"E, 321.05 feet, as described on DOC.#/FLM-PG: 29225359; thence S01°15'48"E, 225.24 feet; thence S88°44'12"W, 309.28 feet to a point on the east right-of-way line of Towne East Mall Drive (formerly Armour Street) as now established; thence along said east right-of-way line, N05°32'18"W, 144.78 feet to the west line of said Lot 2; thence along said west line and said east right-of-way line, N01°55'21"W, 83.48 feet to the POINT OF BEGINNING.

CONTAINING: 71,772 square feet or 1.648 acres of land more or less.

Subject to all covenants and agreements of record.

**Rockwood Plaza Boundary Shift
New Parcel 2B**

A tract of land lying within a portion of Lot 2, Rockwood South Third Addition, Wichita, Sedgwick County, Kansas, said tract being more particularly described as follows:

COMMENCING at the northwest corner of said Lot 2, thence along the west line of said Lot 2 and along the east right-of-way line of Towne East Mall Drive (formerly Armour Street) as now established on an assumed bearing of S01°55'21"E, 83.48 feet, as described on DOC.#/FLM-PG: 29225359; thence continuing along said east right-of-way line, S05°32'18"E, 144.78 feet to the POINT OF BEGINNING, thence N88°44'12"E, 309.28 feet; thence S01°15'48"E, 325.30 feet to a point on the common line of Parcel 2B and 2C as recorded on Lot Split DOC.#/FLM-PG: 29284965; thence along said common line, S88°44'12"W, 297.96 feet to a point on said east right-of-way line, as described; thence along said east right-of-way line for the remaining two courses, N01°56'50"W, 206.90 feet; thence N05°32'18"W, 118.75 feet to the POINT OF BEGINNING.

CONTAINING: 98,000 square feet or 2.250 acres of land, more or less.

Subject to all covenants and agreements of record.